

**REMARKS**

Claims 1-4 and 6-21 were previously pending in the application.

Claims 1-4 and 6-21 were rejected under nonstatutory double patenting over US 6,860,196. Applicants respectfully request reconsideration and withdrawal of the nonstatutory double patenting rejection. US 6,860,196 does not disclose or claim the subject matter claimed in the present application. More specifically, US 6,860,196 does not disclose, among other things, a circlip or any structural equivalent of a circlip as described in the present application and recited in the claims. A circlip engaging the drive shaft is not disclosed anywhere in US 6,860,196 and the Examiner has not identified any portion of US 6,860,196 disclosing a circlip or any equivalent structures. A kitchen appliance having a circlip, as recited in the claims of the present application, is patentably distinct from the contents of US 6,860,196. Therefore, Applicants respectfully request reconsideration and withdrawal of the nonstatutory double patenting rejection of Claims 1-4 and 6-21 based on US 6,860,196.

Claims 1-4 and 6-21 were rejected under 35 USC §102(b) as being anticipated by Terry (US 5,799,535).

**Claim 1**

Independent Claim 1 recites a motorized kitchen appliance, comprising: a housing part; a drive shaft mounted in said housing part; a rotating element driven by said drive shaft; and a circlip having a protruding wire, for securing said drive shaft against movement of said drive shaft in longitudinal direction of said drive shaft relative to said housing part.

Terry discloses a kitchen appliance with a flexible drive system including a flexible cable (60) that delivers power from a motor and gear assembly (12) to handle unit (64). Various attachments (68) may be connected to the handle (64) and rotationally driven by the cable (60). The handle (64) includes a connector (92) defining an opening (67) that receives the attachment (68). A circlip (114) engages the shaft (69) of the attachment (68) to retain the attachment shaft (69) in the connector (92) during operation of the kitchen device.

Terry does not disclose, among other things, "a circlip having a protruding wire, for securing said drive shaft against movement of said drive shaft in longitudinal direction of said drive shaft relative to said housing part," as recited in Claim 1. Rather, Terry discloses the circlip (114) engaging a portion of the attachment (68). In Terry, the cable (60) is the driving shaft providing power and the shaft (69) is a portion of the removable attachment (68). As shown in Fig. 3, various attachments (68) may be used with the device, and each attachment (68) has its own shaft portion (69) that is removed from the handle unit (64). In Terry, the shaft portions (69) of the attachments (68) are not the equivalent of the drive shaft recited in Claim 1 and the circlip (114) does not engage the drive shaft or cable (60). Also, Terry does not disclose the circlip (114) having a protruding wire.

For these and other reasons, Terry does not disclose the subject matter defined by independent Claim 1. Therefore, Claim 1 is allowable. Claims 2-4 and 16 depend from Claim 1 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Claim 3 depends from Claim 1 and further recites that the protruding wire is formed by two legs of said circlip between which said housing part engages. As described above, Terry does not disclose the circlip (114) having a protruding wire. Furthermore, Terry does not disclose the protruding wire formed by two legs with the housing part engaged between the two legs. For these and other reasons, Terry does not disclose the subject matter defined by Claim 3.

Claim 16 depends from Claim 1 and further recites that the kitchen appliance includes a fruit press having a collection bin, the rotating element protruding from the collection bin for pressing a portion of a piece of fruit containing juice. Terry does not disclose a fruit press having a collection bin and the Examiner has not identified any elements of Terry that are the equivalent of a fruit press having a collection bin. For these and other reasons, Terry does not disclose the subject matter defined by Claim 16.

**Claim 6**

Independent Claim 6 recites a motorized kitchen appliance, comprising: a housing; a drive shaft mounted for rotation with respect to the housing, the drive shaft being movable in an axial direction with respect to the housing; and a circlip removably connected to the drive shaft and limiting axial movement of the drive shaft in a first axial direction.

Terry does not disclose, among other things, “a circlip removably connected to the drive shaft and limiting axial movement of the drive shaft in a first axial direction,” as recited in Claim 6. Rather, Terry discloses the circlip (114) connected to the shaft portion (69) of the attachment (68), not the drive shaft or cable (60) of the device. The shaft portion (69) of the attachment (68) of Terry is not the equivalent of the drive shaft recited in Claim 6.

For these and other reasons, Terry does not disclose the subject matter defined by independent Claim 6. Therefore, Claim 6 is allowable. Claims 7-15 depend from Claim 6 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Claim 8 depends from Claim 6 and further recites the circlip including a protruding wire formed by two legs of said circlip, the circlip engaging at least a portion of the housing between the two legs to restrict rotational movement of the circlip with respect to the housing. Terry does not disclose the circlip (114) including a protruding wire having two legs and engaging a portion of the housing between the legs to restrict rotational movement of the circlip. Terry provides no disclosure that the circlip (114) includes any elements that restrict rotational movement of the circlip (114). In Terry, the cable (60) is connected to the connector (92) and rotates with the drive cable (60) to rotate the attachments (68). The circlip (114) is mounted within the connector (92) and also rotates with the drive cable (60) and connector (92). The circlip (114) of Terry is specifically designed to rotate with respect to the housing and Terry discloses nothing that restricts rotational movement of the circlip (114). For these and other reasons, Terry does not disclose the subject matter defined by Claim 8.

Claim 11 depends from Claim 6 and further recites a key supported by the housing and limiting axial movement of the drive shaft in a second axial direction being

opposite the first axial direction. Terry includes two separate portions, the handle (64) and the housing (11) connected by the cable (60). The Examiner has interpreted the handle (64) as being the equivalent of the housing recited in Claim 6. Terry does not disclose a key supported by the housing and limiting axial movement of the drive shaft in a second axial direction. Rather, Terry discloses the handle (64) and housing (11) as separate elements with a motor and gear assembly switch (54) mounted within the housing (11). If the handle (64) of Terry is interpreted as the housing of Claim 6, then it does disclose the elements of the housing recited in Claim 11. If the housing (11) of Terry is interpreted as the housing in Claim 11, then it does not disclose the elements of the housing recited in Claim 6. Neither the handle (64) nor the housing (11) disclose all the elements of the housing recited in Claim 11. For these and other reasons, Terry does not disclose the subject matter defined by Claim 12.

Claim 14 depends from Claim 6 and further recites that the circlip includes a formed wire having an overlapping circular portion defining a diameter and two legs extending outwardly from the circular portion, the diameter of the circular portion being increased when the legs are moved towards one another. Terry provides no disclosure of the circlip (114) other than mentioning it by name. The figures simply show a line with no details. There are various types of circlips in the art with different constructions and having different advantages or disadvantages. Claim 14 recites a specific type of circlip having a specific construction and Terry provides no indication that the circlip (114) discloses this specific construction. For these and other reasons, Terry does not disclose the subject matter defined by Claim 14.

### **Claim 17**

Independent Claim 17 recites a motorized kitchen fruit press, comprising: a housing; an electromotor disposed within the housing; a drive shaft mounted for rotation with respect to the housing and being rotationally driven by the electromotor, the drive shaft being movable in an axial direction with respect to the housing; a rotating element protruding from the housing and connected to the drive shaft for receiving a piece of fruit containing juice; and a circlip removably connected to the drive shaft and limiting axial movement of the drive shaft in a first axial direction.

Terry does not disclose, among other things, "an electromotor disposed within the housing," as recited in Claim 17. As described above, Terry discloses the housing (11) and handle (64) as two separate elements. The Examiner has interpreted the handle (64) as being the equivalent of the housing of the claims. Terry does not disclose an electromotor disposed within the handle (64).

Terry does not disclose, among other things, "a circlip removably connected to the drive shaft and limiting axial movement of the drive shaft in a first axial direction," as recited in Claim 17. As described above, the circlip (114) of Terry engages the shaft portion (69) of the attachments (68), not the drive shaft or cable (60).

For these and other reasons, Terry does not disclose the subject matter defined by independent Claim 17. Therefore, Claim 17 is allowable. Claims 18-21 depend from Claim 17 and are allowable for the same reasons and also because they recite additional patentable subject matter.

Claim 18 depends from Claim 17 and further recites that the housing includes a housing part fixed with respect to the housing, the circlip engaging the housing part to restrict rotational movement of the circlip with respect to the housing. As described above, Terry provides no disclosure that the circlip (114) includes any elements that restrict rotational movement of the circlip (114). Rather, the circlip (114) of Terry rotates with the connector (92) in relation to the handle (64). In addition, the housing (11) and handle (64) of Terry are two separate elements. Neither the handle (64) nor the housing (11) disclose all the elements of the housing recited in Claim 18. The circlip (114) does not engage any portion of the housing (11) of Terry, and there is no electromotor disposed within the handle (64) of Terry. For these and other reasons, Terry does not disclose the subject matter defined by Claim 18.

Claim 20 depends from Claim 17 and further recites a key supported by the housing and limiting axial movement of the drive shaft in a second axial direction being opposite the first axial direction, an electric circuit being closed when the drive shaft contacts the key. As described above in relation to Claim 11, Terry does not disclose a key supported by the housing and limiting axial movement of the drive shaft in a second axial direction. The arguments above regarding Claim 11 are also applicable to Claim

20. For these and other reasons, Terry does not disclose the subject matter defined by Claim 20.

Claim 21 depends from Claim 17 and further recites that the circlip includes a formed wire having an overlapping circular portion defining a diameter and two legs extending outwardly from the circular portion, the diameter of the circular portion being increased when the legs are moved towards one another. As described above in relation to Claim 14, Terry does not disclose a circlip having the specific construction recited in the claims. The arguments above regarding Claim 14 are also applicable to Claim 21. For these and other reasons, Terry does not disclose the subject matter defined by Claim 21.

**CONCLUSION**

In view of the above, reconsideration of the rejections and allowance of Claims 1-4 and 6-21 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



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